

REMARKS

Reconsideration and allowance of pending **Claims 1, 2, 4-5, 7-9, 11-18, 20-26, 28, 30-35, 37-41, 44, 45, 47-62, 64-68, 70-79, 82-87, 89, and 90.**, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claims 33-35, 37-40, 49-53, and 55-57 were rejected under **35 U.S.C. §102(a)** as being anticipated by Deutscher, (U.S. Pub. No. 2004/0001106; hereafter “Deutscher”). Applicant respectfully traverses this rejection, and further requests that the rejection be reconsidered and withdrawn. In particular, it is respectfully submitted that Deutscher does not teach every element of the claims, as required by MPEP §2131, which states, in part:

[a] claim is anticipated only if *each and every element as set forth* in the claim is found, either expressly or inherently described, in a single prior art reference...The identical invention must be shown in as complete detail as is contained in the claim...The elements must be arranged as required by the claim...

That is, contrary to the assertion set forth in the rejection, Deutscher does not include, expressly or inherently, each and every element of independent method **Claim 33**.

For example, the rejection asserts that, at [0213] – [0221] and [0230], Deutscher teaches, “wherein the media timeline is configured for dynamic updating such that metadata included in at least one node specifies a collection of nodes to be modified when the at least one node is loaded,” as recited in Claim 33. However, Applicant respectfully submits that inspection of the cited portions of Deutscher reveals a discussion of “metadata” that falls short of “expressly or inherently” describing the metadata features of Claim 33.

In particular, at [0214], Deutscher describes:

The “MetaData” section of the imsmanifest.xml contains gneratl information about the presentation. For example, referring to the exemplary imsmanifest.xml file in appendix A, the <metadata> section includes a “General Information” sub-section

that provides some eneral information about the presentation and the imsmanifest.xml file, such as the schema (i.e., <schema>IMS CONTENT</schema>”) and the version of the schema (i.e., <schemaversion>1.0</schemaversion>).

Applicant respectfully submits that, quite simply, the above description, which is the most descriptive of “metadata” at Deutscher [0213] – [0221], is not even remotely suggestive of, “such that metadata included in at least one node specifies a collection of nodes to be modified when the at least one node is loaded,” as recited in Claim 33.

Deutscher continues at [0230]:

The <media> element is a custom element extension defined to hold metadata associated with the master track of the presentation. This element holds scheduling data and other information about the master track including start time, stop time, codecs used, markers, script commands, transcription entries, player setting, and other metadata also stored in the master track media file...

Nowhere in Deutscher’s description of the <media> element or the metadata contained therein is there found a description of metadata that “specifies a collection of nodes to be modified when the at least one node is loaded,” as recited in Claim 33.

That is, Applicant is unable to find any description in Deutscher that even suggests the recitation of “metadata” as recited in Claim 33. Therefore, for at least the reasons set forth above, it is respectfully submitted that Claim 33, as well as Claims 34, 35, and 37-39 by virtue of their dependency from Claim 33, are distinguishable over Deutscher.

Applicant respectfully submits that Deutscher further fails to adhere to the MPEP §2131 standard for an anticipation rejection with regard to independent method Claim 49, from which rejected Claims 50 - 53 and 55 - 57 depend.

In particular, Deutscher does not teach, expressly or inherently, each feature of Claim 49, which recites, in part:

rendering a first node to output a referenced first said media;
during the rendering, changing one or more properties of a second node; and
initiating, by an event generator located on the second node, an event for communication to a parent node of the second node, wherein the event describes the changing.

In fact, the rejection does not even address all of the features of Claim 49. More specifically, the rejection (page 4) does not assert any substantiation by Deutscher for teaching the recited feature of, “during the rendering, changing one or more properties of a second node...” Accordingly, it is respectfully submitted that the identical invention *is not* shown in as complete detail as is contained in the claim, as required by MPEP §2131, and therefore Deutscher does not anticipate Claim 49 or its dependent Claims 50 - 53 and 55 - 57.

Thus, for at least the reasons set forth above, it is respectfully submitted that Deutscher does not anticipate the rejected claims, per the standard set forth in MPEP §2131; and, therefore, the rejection under 35 U.S.C. §102(a) should be reconsidered and withdrawn.

Claims 1, 2, 4, 5, 7-9, 11-18, 20-26, 30-32, 41, 44, 45, 47, 48, 54, 58-62, 64-68, 70-79, 82-87, 89, and 90 were rejected under 35 U.S.C. §103(a) as being unpatentable over Deutscher in view of Lamkin, *et al.*, (U.S. Pub. No. 2004/0220926; hereafter “Lamkin”). More specifically, Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn, because the rejection is improper under 35 U.S.C. §103(a).

That is, the present Application and the cited reference, U.S. Pub. No. 2004/0001106, were, at the time the invention of the present application was made, subject to an obligation of assignment to Microsoft Corporation. Applicant respectfully submits that the cited art, U.S. Patent Application Publication 2004/0001106, only qualifies as prior art under § 102(e), and shared a common assignee with the present Application at the time the subject matter of the

instant Application was conceived. Thus, to the extent that U.S. Pub. No. 2004/0001106 is cited in combination with another reference under § 103(a), then U.S. Pub. No. 2004/0001106 should be disqualified under § 103(c). The basis for this reasoning is 35 U.S.C. §103(c), which was amended effective Nov. 29, 1999 (Public Law 106-113) and states that:

Subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, it is respectfully requested that this rejection be reconsidered and withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully Submitted,

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